

## PATENT

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. §1.97 (b)
- ☐ **after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but **before** the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see “Certification” below)

**OR**

- ☐ the fee of \$180 set forth in 37 C.F.R. § 1.17(p) (see “Fees” below).
- ☐ **after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see “Certification” below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see “Fees” and “Method of Payment of Fees” below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

#### CERTIFICATION

- ☐ The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

#### FEES

- ☐ No fee is owed by the applicant(s).
- ☒ The **IDS Fee of \$180.00** under 37 C.F.R. § 1.17(p) is enclosed herewith.
- ☐ The **Petition Fee of \$130.00** set forth in 37 C.F.R. § 1.17(i) is enclosed herewith.

**METHOD OF PAYMENT OF FEES**

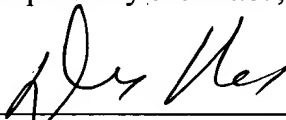
- ☒ Attached is a check in the amount of \$180.00.  
☐ Charge Deposit Account No. 13-2490 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

Please charge any underpayment or credit any overpayment in connection with this communication to Deposit Account No. 13-2490. A duplicate copy of this communication is enclosed for this purpose.

**CERTIFICATE OF MAILING AS "EXPRESS MAIL" (37 CFR 1.10)** I hereby certify that this correspondence and all attached paper(s) or fee(s) is being deposited with sufficient postage, with the United States Postal Service as EXPRESS MAIL POST OFFICE TO ADDRESSEE in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, with sufficient postage, on this 27<sup>th</sup> Day of September, 2005. under Express Mail Certificate No. EV596645468US.

Date: 9/27/05

Respectfully submitted,



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Registration No. 42,636

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Facsimile: 312-913-0002

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300 South Wacker Drive, Suite 3100  
Chicago, IL 60606

**United States Patents**

1. D. Lansing Taylor, U.S. Provisional Patent Application No. 60/018,696, Filed: May 30, 1996.
2. Kirk Schroeder, et al., U.S. Patent No. 5,355,215, Issued October 11, 1994.
3. Jeffrey H. Price, et al., U.S. Patent No. 5,548,661, Issued August 20, 1996.

**Foreign Documents**

4. James Bacus, et al. PCT Published Patent Application No. WO 87/02802, Published May 7, 1987.
5. Robert Moore, et al., PCT Published Patent Application No. WO 94/11841, Published May 26, 1994.

**Other Documents**

6. Waggoner, et al., (1996) Human Pathology, Vol: 27(5), pp. 494-502.
7. Benveniste, et al., (1989), The Journal of Cell Biology, Vol: 109, pp. 2105-2115.
8. Carey, et al., (1996), The Journal of Cell Biology, Vol: 133(5), pp. 985-996.
9. Kolega, et al., (1993), Bioimaging, Vol: 1, pp. 136-150.
10. Farkas, et al., (1993), Annu. Rev. Physiol., Vol: 55, pp. 785-817.
11. Böcker, et al., (1996), Phys. Med. Biol., Vol: 41, pp. 523-537.
12. Pepperkok, et al., (1993), Experimental Cell Research, Vol: 204, pp. 278-285.
13. Article on Business Wire Website (May 28, 1996), ArrayScan System Introduces High Throughput Cell-Based Screening, Biological Detection, Inc., 1 page.
14. Article on Business Wire Website (June 3, 1996), New Chain of Scientific Advisory Committee Brings Fluorescence Expertise, The Board of Directors of Biological Detection, Inc., 1 page.
15. Article on Business Wire Website (September 25, 1996), Biological Detection, Inc. and Carl Zeiss Yena, GmbH of Germany form worldwide strategic alliance in drug discovery, 1 page.
16. Article on BioCentury Archives, (September 30, 1996), Biological Detection, Inc. and Carl Zeiss, Drug Discovery, 1 page.
17. Article on Business Wire Website (October 15, 1996), Biological Detection, Inc. Changes name to BioDx, Inc., 1 page.
18. Hanakam, et al., (1996), The EMBO Journal, Vol: 15(12), pp. 2935-2943.
19. Cole, et al., (1996), Molecular Biology of the Cell, Vol: 7, pp. 631-650.
20. Machiels, et al., (1996), European Journal of Cell Biology, Vol: 70, pp. 250-259.
21. Yasuhara, et al., (1997), Genes to Cells, Vol: 2, pp. 55-64.
22. Article on Business Wire Website, (October 8, 1996), BDI appoints VP of Business Development from Beckman Instruments, Biological Detection, Inc., 1 page.
23. Mark V. Rogers, (1997), DDT, Vol: 2(4), pp. 156-160.
24. Giuliano, et al., (1997), Journal of Biomolecular Screening, Vol: 2(4), pp. 249-259.
25. Böcker, et al., (1995), Cytometry, Vol: 19, pp. 283-294.
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32. Article on BioDx Home Page, (1997), Solutions for Cell Screening, 25 pages.

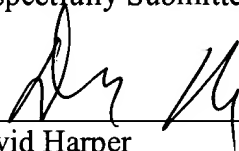
In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Respectfully Submitted,

Date:

9/27/05

By:



David Harper

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FORM PTO-1449  
(Rev. 2-32)

U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.

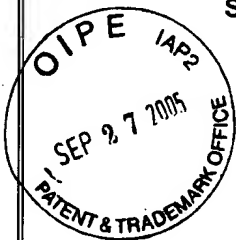
97,223-I

Serial No.

09/624,131

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)



Applicant:

Kapur, et al.

Filing Date:

July 21, 2000

Group:

1641

**U.S. PATENT DOCUMENTS**

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	U.S. Provisional Patent Application No. 60/018,696		D. Lansing Taylor			May 30, 1996
	2.	5,355,215	October 11, 1994	Kirk Schroeder, et al.			Sept 30, 1992
	3.	5,548,61	August 20, 1996	Jeffrey H. Price, et al.			Sept 7, 1994

**FOREIGN PATENT DOCUMENTS**

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							Yes	No
	4.	WO 87/02802	May 7, 1987	PCT			X	
	5.	WO 94/11841	May 26, 1994	PCT			X	

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).**

EXAMINER	DATE CONSIDERED
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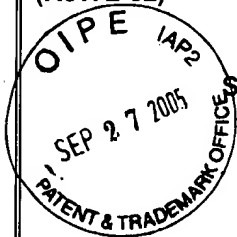
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